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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/664,348	09/17/2003	Gerald A. Reine	2386.1017-001	4152
21005 7:	590 07/13/2004		EXAMINER	
· ·	BROOK, SMITH & RE	ENG, GEORGE		
530 VIRGINIA P.O. BOX 9133			ART UNIT	PAPER NUMBER
	MA 01742-9133		2643	
			DATE MAIL ED: 07/12/200	

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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		Application No.	Applicant(s)	\mathcal{N}
		10/664,348	REINE, GERALD A.	, , ,
	Office Action Summary	Examiner	Art Unit	
		George Eng	2643	
Period fo	The MAILING DATE of this communicat	ion appears on the cover sheet wi	th the correspondence address	
A SH THE I - Exter after - If the - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR MAILING DATE OF THIS COMMUNICA' asions of time may be available under the provisions of 37 SIX (6) MONTHS from the mailing date of this communical period for reply specified above is less than thirty (30) day period for reply is specified above, the maximum statutor re to reply within the set or extended period for reply will, reply received by the Office later than three months after the patent term adjustment. See 37 CFR 1.704(b).	TION. 7 CFR 1.136(a). In no event, however, may a ration. 1 ys, a reply within the statutory minimum of thirt by period will apply and will expire SIX (6) MON by statute, cause the application to become AB	eply be timely filed y (30) days will be considered timely. THS from the mailing date of this communication. ANDONED (35 U.S.C. § 133).	
Status				
2a) <u></u>	Responsive to communication(s) filed on This action is FINAL . 2b). Since this application is in condition for closed in accordance with the practice of the second secon	☑ This action is non-final. allowance except for formal matt	• •	
Dispositi	ion of Claims			
5)□ 6)⊠ 7)□	Claim(s) <u>1-13</u> is/are pending in the appl 4a) Of the above claim(s) is/are v Claim(s) is/are allowed. Claim(s) <u>1-13</u> is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction	vithdrawn from consideration.		
Applicati	on Papers			
10)	The specification is objected to by the Example The drawing(s) filed on is/are: a) Applicant may not request that any objection Replacement drawing sheet(s) including the The oath or declaration is objected to by	accepted or b) objected to not to the drawing(s) be held in abeyare correction is required if the drawing	ce. See 37 CFR 1.85(a). (s) is objected to. See 37 CFR 1.121(d).	
Priority (ınder 35 U.S.C. § 119			
12) a)	Acknowledgment is made of a claim for All b) Some * c) None of: 1. Certified copies of the priority doc 2. Certified copies of the priority doc 3. Copies of the certified copies of the application from the International see the attached detailed Office action for	cuments have been received. cuments have been received in A he priority documents have been Bureau (PCT Rule 17.2(a)).	pplication No received in this National Stage	
Attachmen	t(s)			
1) Notice 2) Notice 3) Information	te of References Cited (PTO-892) se of Draftsperson's Patent Drawing Review (PTO- mation Disclosure Statement(s) (PTO-1449 or PTO r No(s)/Mail Date 9/17/2003.	948) Paper No(s	Summary (PTO-413) S)/Mail Date Iformal Patent Application (PTO-152)	

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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 9/17/2003 has been considered.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-13 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,643,360. Although the conflicting claims are not identical, they are not patentably distinct from each other because all the claimed limitations, i.e., a caller identification routine, a mail server access routine, and a mailbox status routine, are transparently found in U.S. Patent No. 6,643,360 with obvious wordings variation.

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Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tue-Fri 7:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George Eng

Primary Examiner Art Unit 2643